

The Summons and Complaint in this case have not been served. Plaintiff Gary L. White has thrice been instructed to provide financial documents or pay the filing fee, and in the accompanying order is given a fourth chance to do so.

Plaintiffs have repeatedly filed motions for "Emergency Relief." The most recent, at ECF No. 44 and ECF No. 49, are largely duplicative of previous motions and are signed only by Judith White on behalf of her husband.

It is unnecessary for the Court to address duplicative requests. A district court may take judicial notice of materials in the Court's own files from prior proceedings. See *Fletcher v. Bryan*, 175 F.2d 716 (4th Cir. 1949); see also *Aloe Creme Laboratories, Inc. v. Francine Co.*, 425 F.2d 1295, 1296 (5th Cir. 1970)("The District Court clearly had the right to take notice of its own files and records and it had no duty to grind the same corn a second time. Once was sufficient.").

Additionally, this Court will not consider motions signed by Mrs. White on behalf of Mr. White. Movant White's wife, who is not an attorney, cannot represent him in federal court. See 28 U.S.C. § 1654 ("In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.").

RECOMMENDATION

Accordingly, it is recommended that the motions at ECF No. 44 and ECF No. 49 requesting emergency relief be **denied**.

May 4, 2011
Greenville, South Carolina

s/Kevin F. McDonald
United States Magistrate Judge

Plaintiffs' attention is directed to the important notice on the following page.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
300 East Washington Street, Room 239
Greenville, South Carolina 29601

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).